

# EXHIBIT 63

## MAO DECLARATION ISO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, JULIEANNA )  
MUNIZ, ELIZA CAMBAY, SAL ) Case No.:  
CATALDO, EMIR GOENAGA, JULIAN ) 3:20-cv-04688  
SANTIAGO, HAROLD NYANJOM, KELLIE )  
NYANJOM, and SUSAN LYNN HARVEY, )  
individually and on behalf of all )  
others similarly situated, )  
 )  
Plaintiffs, )  
vs. )  
 )  
GOOGLE LLC, )  
 )  
Defendant. )  
-----)

\*\*\*HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY\*\*\*  
REMOTE PROCEEDINGS OF THE  
VIDEOTAPED DEPOSITION OF CHRISTOPHER RUEMMLER  
FRIDAY, SEPTEMBER 9, 2022

REPORTED BY NANCY J. MARTIN  
CSR. NO. 9042, RMR, RPR  
PAGES 1-235

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- - -  
Friday, September 9, 2022  
- - -

Remote Videotaped Deposition of CHRISTOPHER  
RUEMLER, beginning at 9:40 a.m., before Nancy J.  
Martin, a Registered Merit Reporter, Certified  
Shorthand Reporter. All parties appeared remotely.

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2

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JOHN JANHUNEN, GOOGLE IN-HOUSE COUNSEL

ANTHONY GALINO, LEGAL VIDEOGRAPHER

I N D E X

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1           SUNNYVALE, CALIFORNIA, FRIDAY, SEPTEMBER 9, 2022;

2                               9:40 A.M.

3                               -   -   -

4           THE VIDEOGRAPHER: Good morning, everyone.  
5 We're going on the record at 9:40 a.m. Pacific  
6 daylight time on Friday, September 9, 2022.

7           Please note that this deposition is being  
8 conducted virtually. Quality of recording depends on  
9 the quality of camera and Internet connection of  
10 participants.

11           What is seen from the witness and heard on  
12 screen is what will be recorded.

13           Audio and video recording will continue to  
14 take place unless all parties agree to go off the  
15 record.

16           This is media unit 1 of the video-recorded  
17 deposition of Chris Rueemler, taken by counsel for  
18 plaintiff in the matter of Anibal Rodriguez, et al.  
19 vs. Google, LLC, filed in the United States District  
20 Court, Northern District of California.

21           The case number is 3:20-cv-04688.

22           This deposition is being conducted remotely  
23 using virtual technology. My name is Anthony Galino  
24 representing Veritext Legal Solutions, and I'm the  
25 videographer.

1 The court reporter is Nancy Martin from the  
2 firm Veritext Legal Solutions.

3 I'm not related to any party in this action,  
4 nor am I financially interested in the outcome.

5 If there are any objections to proceeding,  
6 please state them at the time of your appearance.

7 Counsel and all present will now state their  
8 appearance and affiliations for the record, beginning  
9 with the noticing attorney.

10 MR. FRAWLEY: Good morning. Alexander  
11 Frawley from Susman Godfrey for the plaintiffs. With  
12 me are my colleagues Ryan Sila, also from Susman  
13 Godfrey, and Mark Mao from Boies Schiller Flexner.

14 MR. SANTACANA: Good morning. Eduardo  
15 Santacana of Willkie Farr & Gallagher for Google  
16 and -- for the witness, Mr. Chris Ruemmler. With me  
17 today also from Google in-house is John Janhunnen.

18  
19 CHRISTOPHER PHILIP RUEMMLER,  
20 having been sworn/affirmed,  
21 was examined and testified as follows:

22  
23 EXAMINATION

24 BY MR. FRAWLEY:

25 Q. Good morning, Mr. Ruemmler.



1 A. Good morning.

2 Q. Can you please state your full name.

3 A. Christopher Philip Ruemmler.

4 Q. Have you ever testified before?

5 A. Never.

6 Q. So no depositions before today?

7 A. Nope.

8 Q. How about testimony in court?

9 A. Never.

10 Q. Do you understand that you are under oath  
11 today?

12 A. Yes.

13 Q. Is there any reason why you cannot testify  
14 truthfully today?

15 A. Not that I'm aware of.

16 Q. Throughout the day, if any of my questions  
17 are unclear, would you please let me know?

18 A. Yes.

19 Q. Where are you currently for this deposition?

20 A. I'm located in Sunnyvale, California, in a  
21 Google office building.

22 Q. Is anyone in the room there with you?

23 A. No.

24 Q. Did you bring any documents with you?

25 A. No.

1 So they -- someone decided to give a few more  
2 examples.

3 Q. Do you see in your E-mail, Exhibit 7, where  
4 you wrote, "So, when Web & App Activity is off, I'd  
5 expect the opposite to happen."

6 Do you see that?

7 A. Yes.

8 Q. And then do you see where you wrote, "The  
9 opposite of the above is: When Web & App Activity is  
10 off, Google does not save information like"?

11 A. Yes, I see that.

12 Q. What did you mean by "information like"?

13 A. I can't tell what's there. There's nothing  
14 there.

15 Q. Fair to say you're referring back up to those  
16 bullets just above?

17 A. No, because there's a "like:" and then  
18 there's nothing below it.

19 Q. So you think your E-mail is incomplete?

20 A. I don't know. Is there -- was it -- again,  
21 it's from 2019. I don't know exactly what I wrote.  
22 But like just reading this E-mail now, I see a colon  
23 and then I see nothing below it. There's a dot with  
24 nothing and then there's a square with nothing, and  
25 then it goes on to some other thing.

1 Q. So is it your habit to not complete E-mails  
2 that you write while at Google?

3 A. No, not generally. I mean I don't know  
4 what's going on here. You know, it's 2019. I don't  
5 have -- you know.

6 Q. Okay. So then your testimony is that you  
7 were not -- sorry. Let me restart this question.

8 When you said "information like," you were  
9 not referring to those bullets above? And by "bullets  
10 above," I mean searches and other things, your  
11 location language, IP address, ads you click,  
12 information on your device.

13 A. Yeah, I don't know, because I would not  
14 normally -- if I put a colon there, I'd put stuff  
15 after it -- right? -- to explain what I'm doing like I  
16 did above.

17 Q. Well, above, you were just copying from the  
18 document; right? You didn't actually write that  
19 yourself?

20 A. Right. But then down below there's nothing.  
21 So I don't know what's going on in this E-mail.

22 Q. Do you see where you wrote, "The opposite of  
23 the above is"?

24 A. Yeah.

25 Q. What does "the above" refer to?

1 A. "The above" refers to the list above.

2 Q. So you're referencing back the list above.  
3 Fair?

4 A. Oh, I see what's going on. I actually see  
5 what's going on now. There's two colons; right?

6 Q. What do you mean? I'm sorry.

7 A. There's two colons. "The opposite of the  
8 above is:" And then I have, "So, when Web & App  
9 Activity is off, Google does not save information  
10 like"; right?

11 Q. Sorry. I'm a little confused.

12 A. So I wrote the one above and then I wrote,  
13 "So, when Web & App Activity is off, I'd expect the  
14 opposite to happen. The opposite of the above is:"  
15 and then I wrote a line.

16 So that's what I'm like -- apparently, you  
17 know, if I'm reading my -- the way I write, that's  
18 what I'm saying. I try to write -- you know. Sorry.  
19 I'm an engineer. I kind of write things in a way that  
20 may not be natural to other people.

21 So I believe this is my misunderstanding with  
22 the way WAA works. So this was back before I had more  
23 knowledge about the way WAA works. And I thought at  
24 that time if the opposite of on and off, if it was  
25 off, well, we just didn't, you know, send any of this

1 data to Google. But that's not right. It's really  
2 you don't associate the data that's sent to Google  
3 with a GAIA ID, which we call keyed by GAIA ID.

4 Q. Just a moment ago you said something about  
5 sending the data to Google. What do you mean by "to  
6 Google"?

7 A. Well, if Google is storing data, then that  
8 would be sending it to Google.

9 Q. And a moment ago you said, "It's really you  
10 don't associate the data that's sent to Google with a  
11 GAIA ID."

12 Do you recall that?

13 A. Where are you reading now?

14 Q. We have a -- like a live transcript feed. I  
15 don't think you have that. I'm not sure actually.

16 A. No.

17 MR. SANTACANA: Hold on. Sorry, Alex. You  
18 should know it's not necessarily accurate. It's just  
19 the live feed of what the court reporter is typing.

20 MR. FRAWLEY: Okay. Well, I have faith in  
21 the court reporter.

22 BY MR. FRAWLEY:

23 Q. Do you recall a moment ago testifying that  
24 when WAA -- again, I'm not trying to quote you, but do  
25 you recall saying that, when WAA is off, that the data

1 is not -- that it's not associated with a GAIA ID?

2 Do you recall talking about that?

3 A. Yes, I recall talking about GAIA-tied data.

4 Q. Okay. What is GAIA-tied data?

5 A. GAIA-tied data is data that is linked  
6 directly to a GAIA ID which is then -- the user's  
7 account. So on Gmail everything is pretty much -- is  
8 GAIA tied or GAIA linked because it's your E-mail;  
9 right? So you need to -- we need to know the exact  
10 user that the data is associated with.

11 And there's no anonymization or anything like  
12 that. It's your E-mail. So everything is GAIA tied.  
13 So GAIA is the internal identifier at Google that  
14 identifies an account with an individual.

15 Q. Does Google log any data that's not GAIA  
16 tied?

17 MR. SANTACANA: Objection. Vague.  
18 Ambiguous. Lacks foundation.

19 THE WITNESS: I work in Workspace and in  
20 Gmail in particular, and as far as I know, everything  
21 is GAIA tied in Gmail because it's personal data.  
22 Other parts of the company, I don't know if they're  
23 doing -- you know, if they need to have GAIA tied or  
24 not.

25 BY MR. FRAWLEY:

1 Q. Got it. Okay.

2 A. -- or what I was commenting on; right? So I  
3 can't -- it's very hard to make any, you know,  
4 statement because I don't know what's linked to what.

5 Q. Do you see where you wrote, "An 'on/off'  
6 toggle, it means the off state is the opposite of the  
7 on state"?

8 I'm in Exhibit 11.

9 A. In the comment?

10 Q. Yeah, in the comment. Yeah.

11 A. Right. This still seems like GAIA-tied  
12 stuff; right?

13 Q. Where did you say something about GAIA-tied  
14 stuff in this comment?

15 A. Well, it says later, "If the on state is we  
16 log your activity, the off state we don't log your  
17 activity."

18 "The proposal is to temporarily log activity,  
19 so something needs to change here."

20 So it seems like it's all about GAIA-tied  
21 data still.

22 Q. What specifically within comment 51 -- sorry.  
23 Where specifically within comment 51 did you say this  
24 is all about GAIA-tied data?

25 A. I'm just telling you that's what the

1 interpretation is here; right? Because I say, "If the  
2 on state is we log your activity, the off state we  
3 don't log your activity. But the proposal is to  
4 temporarily log activity, so something needs to change  
5 here."

6 So logging the activity temporarily to your  
7 GAIA ID is what I would be concerned about. If the  
8 user said "off" and then you log the GAIA ID still,  
9 that would be a problem. So that's probably what I  
10 thought was going on here, but I don't know -- I can't  
11 recall actually what happened or what was the  
12 resolution or anything else. Again, I don't work in  
13 this -- was this my only comment on the document?

14 Q. That, I don't know.

15 A. Okay. Like I said, I don't recognize the  
16 document. It was three years ago, so that's not -- so  
17 I read tons of documents.

18 Q. Why did you say, "The off state is the  
19 opposite of the on state"?

20 A. Again, I think we were discussing before, I  
21 had the recollection that, you know, off -- a light is  
22 on, a light is off; right? You know, that's the  
23 opposite behavior. And so I think I had a  
24 misconception that when WAA was off, there was no  
25 logging performed, which was not the right, you know,



1 understanding.

2 Q. Do you see the comment just below comment 52?

3 A. Comment 53 then?

4 Q. No. 52.

5 A. Oh, comment 52.

6 Q. Yes. Yes.

7 A. Okay. So someone commented that David is  
8 working with legal to make the necessary edits.

9 Q. Yeah. If you look at Exhibit 10, we can see  
10 who commented that. That was Divya Sharma. You're  
11 free to -- I might be mispronouncing that name. I'm  
12 sorry. But you're free to verify that within  
13 Exhibit 10.

14 A. Okay. So that corresponds to that comment.

15 Q. So did you ever follow up with Divya Sharma  
16 to ask about the edits?

17 A. I don't know. I don't remember. I don't  
18 even remember who Divya Sharma is.

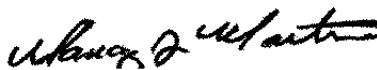
19 Q. Okay. Let's look at -- sorry. I'm thinking  
20 about whether I want to stay on this document or move  
21 on.

22 MR. FRAWLEY: All right. I am going to  
23 introduce a new document.

24 (Deposition Exhibit 12 was marked for  
25 identification.)

C E R T I F I C A T E

I do hereby certify that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.



Nancy J. Martin, RMR, CSR

Dated: September 15, 2022

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying shorthand reporter.)